

REMARKS

Claims 1-11, as amended, remain before the Examiner for consideration. Claims 12 and 13 stand withdrawn.

1. Claim 8 was rejected under 35 U.S.C. §112, second paragraph. Claim 8 has been amended to remove the word "like." The rejection has been overcome.

2. Claims 1, 4 and 5 were rejected under 35 U.S.C. §102(e) as anticipated by Sussmilch et al. U.S. Patent 6,405,437; claims 2 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Sussmilch et al. '437; claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Sussmilch et al. '437 in view of Rosynsky et al. U.S. Patent 4,142,864; claims 6, 8 and 9 were rejected under 35 U.S.C. §103(a) as unpatentable over Sussmilch et al. '437 in view of Close et al. U.S. Patent 3,959,865; claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Sussmilch et al. '437 in view of Harding U.S. Patent 6,017,498; and claim 11 was rejected under 35 U.S.C. §103(a) as unpatentable over Sussmilch et al. '437 in view of Machida et

Serial No. 09/618,797

al. U.S. Patent 5,782,089. All rejections are respectfully traversed.

The canned honeycomb structure of applicants' claims includes a ceramic honeycomb structure not loaded with a catalyst, a metal case, and a holding material, the holding material located between the ceramic honeycomb structure and the metal case, the holding material and the metal case having a common longitudinal direction, wherein the holding material has at least one peripheral edge defining at least one edge plane perpendicular to the longitudinal direction, and an impermeable layer located on the at least one edge plane. This arrangement is nowhere disclosed or suggested in the newly-cited reference.

Because the presently claimed invention is directed to a canned honeycomb structure that is not loaded with a catalyst, the claimed subject matter does not correspond to a finally assembled catalytic converter.

Sussmilch et al. '437 at column 8, lines 31-34, is said to show a ceramic honeycomb structure 28 not loaded with a catalyst and contained in metal case 32. The characterization of the reference teaching is incorrect because Sussmilch et al. '437 does not describe structure 28 as not loaded with a catalyst

Serial No. 09/618,797

while also being contained in case 32. Sussmilch et al. '437, column 8, lines 31-34 states:

In the illustrated embodiment, the words "exhaust processor" specifically refer to a catalytic device (for example, a catalytic converter or a catalytic trap) for use with gasoline engines.

Thus, Sussmilch et al. '437 defines structure 28 as a "catalytic device"; such an object obviously has to contain a catalytic material in order to perform a catalytic function. Sussmilch et al. '437 at column 3, line 8, through column 9 indicates the figures to show an assembly mechanism in which a partly finished exhaust processor body 12 containing structure 28 is manufactured within a gas-tight, welded metal can having frustoconical ends and exhaust ports.

Sussmilch et al. '437 describes partly finished exhaust processor body 12 as including "ceramic honeycomb substrate 28, a support or anchor mat 30 wrapped around substrate 28, and an outer case 32"; see column 3, lines 37-39. Both at that initial description, as well as throughout the entire disclosure, no mention is made of substrate 28 at some point being loaded with a catalyst. This lack of disclosure is understandable because

Serial No. 09/618,797

Sussmilch et al. '437 begins the manufacturing process with partly finished exhaust processor body 12 that includes ceramic honeycomb substrate 28, and continues wrapping and welding metal around body 12 until a completed assembly is produced, without adding a catalytic material. No catalytic material is added because it is already present. Nowhere along the description of that process does Sussmilch et al. '437 state or suggest that substrate 28 does not include a catalyst, nor does Sussmilch et al. '437 indicate or suggest any step in which such a catalyst could be added to substrate 28 before being finally sealed inside the welded metal can. Moreover, Sussmilch et al. '437 does not suggest that it would be beneficial or desirable to assemble honeycomb structure 28 within metal case 32 while structure 28 does not include a catalyst material.

Rosynsky et al. '864, Close et al. '865, Harding '498, and Machida et al. '089 are cited allegedly to teach an impermeable layer being a thin film of rope, and a compressed mat of ceramic fiber, but those references do not provide what is lacking in Sussmilch et al. '437 as discussed above.

The rejection should be withdrawn.

Serial No. 09/618,797

All claims 1-11 are now proper in form and patentably distinguished over all grounds of rejection stated in the Office Action. Accordingly, allowance of all claims 1-11 is respectfully requested.

Serial No. 09/618,797

Should the Examiner deem that any further action by the applicants would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicants' undersigned representatives. If the only barrier to allowance is the presence of non-elected claims 12 and 13, the Examiner is authorized to cancel those claims for that express purpose.

Respectfully submitted,

STEPTOE & JOHNSON L.L.P.



Charles A. Wendel

Registration No. 24,453

April 21, 2005

Date

CAW/dwj

Attorney Docket No.: 28953.7197 (Old: WATK:197)

STEPTOE & JOHNSON L.L.P.
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202)429-3000